

### **III. REMARKS**

1. Claims 1, 4, 13 and 16 are amended.
2. The Title is amended as suggested.
3. The specification is amended to include reference numbers for Figure 9. Figure 9 is added corresponding to the method of claim 1. No new matter is added as the features shown in Figure 9 are clearly disclosed in the specification and claims as originally filed. Replacement drawing sheets are being submitted herewith.
4. Claims 1-11 and 13-14 are patentable under 35 U.S.C. 103(a) over Andrews, U.S. Patent 5,911,121, Gum, U.S. Patent 6,477,390 and White et al., U.S. Pub. 2005/0026643 ("White"). Claim 1 recites "user defined mapping of a set of tones and/or sound effects to one or more keys connected to the electric circuitry of the user exchangeable cover". The combination of Andrews, Gum and White fails to disclose or suggest that the mapping is defined by a user.

The Examiner notes that Andrews does not "teach a user defined mapping of a set of tones or sound effects to the one or more keys connected to the electric circuitry of the user exchangeable cover". Gum fails to remedy this defect.

Gum discloses a wireless communication device (101) where each of the keys (140-151) of a keypad (132) is assigned to a different audible signal (Abstract, L. 1-5). The wireless communication device (101) comprises an alert circuit (126) structured to provide a plurality of user-selectable alerts (Col. 2, L. 9-14). The alert circuit (126) provides distinctive and different audio signals for each of the keys on the keypad (132) when the keys are pressed, as opposed to the indistinguishable monotone beeps provided by conventional telephones or conventional wireless communication devices. (Col. 4, L. 5-10). The different audible signals allows a user to differentiate one key from another based on the sound that a key provides when it is pressed (Col. 4, L. 38-

42). Nowhere does Gum disclose that the audible signals are user defined as claimed by Applicant.

Gum discloses that "a person skilled in the art would know how to configure and program the wireless communication device (101) based on the information provided in the table of Fig. 3" (Col. 4, L. 52-55). Where Gum intends that the user make a selection, Gum explicitly states that the user makes such a selection. At column 5, line 61 through column 6, line 3 Gum provides that if the communication device (101) has a ringer selector (172) the user can scroll through and view the menu (130) to change ringer settings. Nowhere does Gum disclose a user defines the audio signals assigned to the keys (140-151).

Thus, the combination of Andrews and Gum fails to disclose or suggest all the features of claim 1. Combining Andrews and Gum with White fails to remedy this deficiency. There is simply no disclosure or suggestion whatsoever in White of user defined mapping of a set of tones or sound effects to the one or more keys connected to the electric circuitry of the user exchangeable cover as recited by Applicant. Thus, claim 1 is patentable over the combination of Andrews, Gum and White.

It is respectfully submitted that the Examiner is using "hindsight" knowledge of Applicant's disclosure when applying the teachings of Gum to the features of Applicant's claim 1. There is no teaching in either Andrews or Gum that suggests a combination as proposed by the Examiner to achieve what is claimed by Applicant.

In addition it is submitted that there is no motivation to combine Andrews, Gum and White to achieve the user defined mapping of a set of tones or sound effects to the one or more keys connected to the electric circuitry of the user exchangeable cover as recited by Applicant, as is required under 35 U.S.C. 103(a). In order to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference

teachings. There must also be a reasonable expectation of success, and the references, when combined, must teach or suggest all of the claim limitations (See M.P.E.P. §2142). As noted above, the combination of Andrews, Gum and White does not disclose or suggest each feature of Applicant's claim 1.

Neither reference provides the requisite suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that the Applicant's claim 1 would be obvious as recited in the claims is not supported by the factual contents of Andrews, Gum and White. Andrews and White simply do not disclose or suggest user defined mapping of a set of tones or sound effects to the one or more keys connected to the electric circuitry of the user exchangeable cover as recited by Applicant. Gum is aimed at identifying which key is pressed without looking at the communications device. Nowhere does Gum disclose or suggest that a user defines the audio signals. Rather Gum discloses that one skilled in the art would know how to configure and program the wireless communication device (101) (Col. 4, L. 52-53). One looking at Gum would not be motivated to combine Gum with Andrews and White to achieve what is claimed by Applicant.

The references themselves and/or the knowledge generally available to one of skill in the art does not provide the requisite motivation or suggestion to modify the references as proposed for purposes of 35 U.S.C. 103(a). When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference." In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the references. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Andrews, Gum and White under 35 U.S.C. 103(a) is not established.

Claims 4 and 13 are patentable over the combination of Andrews, Gum and White for reasons similar to those described above with respect to claim 1. Dependent claims 2,

3, 5-11, 14 and 16-18 are patentable at least by reason of their respective dependencies.

Further, claim 16 recites running a program stored in a memory located in the user exchangeable cover part on a processor located in the user exchangeable cover part. The Examiner argues that this feature is disclosed in White at paragraphs 66-72. However, the only processor (23) disclosed in these cited paragraphs is located in the main body of the phone (5) not the removable fascia (3). As clearly shown in Figure 8 of White, the processor (23) in the main body (5) communicates with the passive storage device (170) through the reader unit (15) (See also, paragraph [0039] and Fig. 2). There is simply no disclosure or suggestion in White of running a program stored in a memory located in the user exchangeable cover part on a processor located in the user exchangeable cover part as claimed by Applicant. Thus, claim 16 is patentable at least for this additional reason. This argument applies equally to claims 17 and 18.

5. Claims 11 and 14 are patentable under 35 U.S.C. 103(a) over Andrews, Gum, White and Zhao, U.S. Pub. 2004/0204135. The combination of Andrews, Gum and White fails to disclose or suggest all the features of claims 1 and 13 from which claims 11 and 14 depend. Combining Zhao with Andrews, Gum and White fails to remedy this deficiency. Zhao simply does not disclose or suggest user defined mapping of a set of tones or sound effects to the one or more keys connected to the electric circuitry of the user exchangeable cover as recited by Applicant. Thus, claims 1 and 13 are patentable over the combination of Andrews, Gum, White and Zhao. Claims 11 and 14 are patentable at least by reason of their respective dependencies.

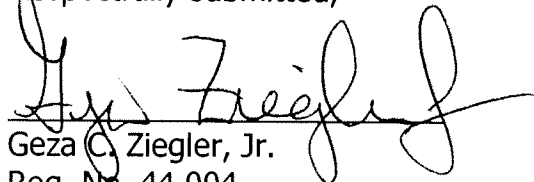
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Respectfully submitted,

  
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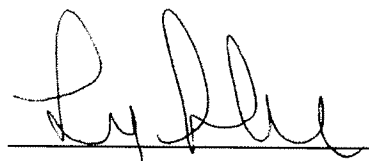
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